to both sexes, the female is, however, excluded *propter defectum sexus.*" COOLEY'S BLACKSTONE (4th ed.), 1123. Adjudicated cases are rare. There is a strong dictum in *Harlandy* v. *Territory,* 3 Wash. Terr. 131. The statute under which "all qualified electors and householders "were made competent to serve as grand jurors was declared unconstitutional because of defect of title; but Turner, J., there said: "When legislators have prescribed the qualifications of jurors, the qualification that they be males has always been implied . . . . and undoubtedly that which is implied would have been expressed if it had ever occurred to the members that a subsequent legislature would confer the elective franchise on women . . . . 'every statute must be construed in the light of the common law'." The point was later decided directly in a 1917 case. The Code read that a grand jury was "a body of men"; but it also provided that "words used in the masculine gender include the feminine and neuter." The court refused to admit women to the grand jury saying that men only could serve because "such was then the common law that women were incompetent to act as jurors." *People* v. *Lensen,* (Dist. Court of App., Cal.), 34 Cal. App. 336—followed without an opinion in *People* v. *Warner, ibid.* 804. Admitting for the sake of argument that women could not serve at common law the court in the principal case argues that "woman's sphere under the common law was a circumscribed one," that by "modern law and custom she has demanded and taken a place in modern institutions as a factor equal to man." The Constitution, however must be interpreted in the light of the common law as it existed at the time of the adoption of the Constitution. *State* v. *McClear,* 11 Nev. 39. Radical changes must be left to the people, otherwise the broadening scope of the common law would put a tool in the hands of opportunists to be used in the undermining of the Constitution.

DESCENT AND DISTRIBUTION—RIGHT OF WIDOW WHO KILLED HUSBAND.—Defendant was convicted of manslaughter for killing her husband. In an action to quiet title to certain land which had belonged to the victim it was *held* that under Sec. 3856 of the General Statutes of 1915 defendant had taken no interest in such lands as heir of her husband. *Hamblin* v. *Marchant* (Kans., 1918), 175 Pac. 678.

In *McAllister* v. *Fair,* 72 Kan. 533, 4 MICH. L. REV. 653, it had been held, following the more general rule, that in the absence of statutory provision governing the situation a murderer was entitled to succeed by inheritance to property of the victim. See further 7 MICH. L. REV. 160; 13 MICH. L. REV. 336; 16 MICH. L. REV. 561. Shortly after the decision in the *McAllister* case the Kansas legislature provided that "Any person who shall hereafter be convicted of killing * * * any other person from whom such person so killing * * * would inherit the property * * * belonging to such deceased person * * * shall be denied all right, interest, and estate in or to said property," etc. (R. S. 1915, Sec. 3856). Conviction of manslaughter was held to be a conviction of killing and undoubtedly rightly so. Whether or not the statute should apply only to convictions of murder, as in California (*In re Kirby's Est.,* 106 *Cal.* 91 was a question for the legislature to decide.